

# PAUL REYNOLDS CONSULTANT

September 8, 1994

415 North College Street

Greenville, AL 36037

(205) 382-8048 Fax 382-2940

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

RECEIVED

SEP 12 1994

FCC MAIL ROOM

RE: Petition for Rule Making  
FM Channel 259A  
Nashville, North Carolina

Dear Mr. Caton:

Enclosed please find the original and four copies of a petition for rule making that we wish to file for our client, Eternal Lamp, Inc. This company hereby petitions the Commission to institute a Notice of Proposed Rule Making seeking comments on the allocation of channel 259A to Nashville, North Carolina.

No filing fees are required for this petition, however, if the Commission begins the "Petitioner's Preference" process, Eternal Lamp will gladly remit a fee for the preference.

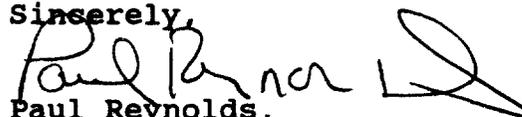
This petition should be routed to;

Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

A copy labeled "Receipt Stamp Copy" is included and attached to an addressed and postage pre-paid envelope. Please have someone in your office stamp and return it to the Petitioner for its records.

Thank you for your assistance in getting this petitioned filed.

Sincerely,

  
Paul Reynolds,  
Consultant

Enclosure(s)

No. of Copies rec'd 0 of 4  
List ABCDE

HMB

**BROADCAST CONSULTING AND CONSTRUCTION**

**ORIGINAL**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In The Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket \_\_\_\_\_  
Table of Allotments, )  
FM Broadcast Stations ) RM \_\_\_\_\_  
(Nashville, North Carolina) )

To:  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

**RECEIVED**

**SEP 12 1994**

**FCC MAIL ROOM**

PETITION FOR RULE MAKING

Eternal Lamp, Inc. ("ELI"), a legally organized corporation in the State of North Carolina, hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the allocation of channel 259A to Nashville, North Carolina, as that Community's first broadcast service. ELI gives the required verifications and also certifies that, if the Commission allocates the channel, it or an entity in which its members participate, will file an application for construction permit.

## CHANNEL 259A AT NASHVILLE QUALIFICATIONS

As shown by the attached engineering statement, channel 259A, when allocated to Nashville, appears to have no short spacing to any known licensed facilities, proposed minor changes or proposed rule makings. It also appears that the nearest short spacing concerns are as follows: WYFI(FM), (channel 259B) Norfolk, Virginia, at 58°(Degrees) True; WTND(FM) (channel 258C2), Grifton, North Carolina, at 141.2°(Degrees) True; WMAG(FM), (channel 258C) High Point, 266.0°(Degrees) True; and WFXQ(FM), (channel 260C3) Chase City, Virginia, at 338.7°(Degrees) True. The intersecting of these minimum distance separation contours create the location area for a fully spaced antenna site for channel 259A at Nashville. See attached engineering statement, Exhibit E, Figures 1, 2 & 3.

In order to alleviate potential FAA problems, ELI used an existing structure in excess of 350 feet AGL as a fully spaced reference. If the Commission allocates channel 259A to Nashville as that community's first local aural service, antenna sites in the immediate area of the ELI reference coordinates will be available without FAA obstruction concerns.

**NASHVILLE, NORTH CAROLINA**

Nashville is located in Nash County North Carolina. It has local banking, a functioning school system, a public library, in addition to police and municipal service systems which give it the required indicia required by the Commission to be a community of license. According to the North Carolina Department of Transportation (Division of Highways - Planning and Research Branch), Nashville had a population of 3,033 persons on January 1, 1990. The community is recognized as Census Designated Area by the US Census Bureau. Information from the North Carolina Secretary of State depicts that it has a functioning city government and has been an incorporated city for over fifty years.

**PETITION SUMMARIZED**

The petition for the allocation of channel 259A at Nashville can be SUMMARIZE as follows;

<b><u>COMMUNITY</u></b>	<b><u>PRESENT</u></b>	<b><u>PROPOSED</u></b>
Nashville	-----	259A

No substitutions of channels in other markets or interruption of service is necessary for this allocation.

Since there are no channel deletions or substitutions necessary for the allocation of channel 259A at Nashville, it can be allotted and applications for a construction permit filed immediately.

### **EXPRESSION OF INTEREST**

ELI hereby certifies that it is interested in the allocation of channel 259A at Nashville and if the channel is allocated it will timely file an application for construction permit. It further states that it, or an entity in which it is a participant, will construct and daily operate this station, if it is the successful applicant.

### **PETITIONER'S PREFERENCE**

ELI is aware that talk in the "trade" lately has hinted that the Commission may institute a procedure commonly known as "petitioner's preference." This practice would, in essence, give a petitioner a preference when an application window was opened for an allocation. If this rule is implemented before the Commission takes action on ELI's petition, it will respectfully request a petitioner's preference.

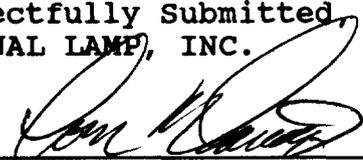
## CONCLUSION

Eternal Lamp Inc., is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the allocation of channel 259A at Nashville, North Carolina, as that community's first local service. This channel is available for allocation immediately as it requires no deletions and/or substitutions in other communities. ELI certifies that it will apply for the license at Nashville if the channel is allocated.

## CERTIFICATION

I, Tom Marino, President of Eternal Lamp, Inc., Petitioner for the allocation of a new FM broadcast channel at Nashville, North Carolina, do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted  
ETERNAL LAMP, INC.

By:   
Tom Marino,  
Its President

This 9<sup>th</sup> Day of September, 1994

Tom Marino, President  
ETERNAL LAMP, INC.  
P.O. Box 8224  
Rocky Mount, NC 27804

# ENGINEERING STATEMENT

In Support of a  
**PETITION FOR RULE MAKING**

**NASHVILLE, NORTH CAROLINA**

**MM DOCKET \_\_\_\_\_, RM-\_\_\_\_\_ FCC MAIL ROOM**

**ETERNAL LAMP, INC.**

**RECEIVED**

**SEP 12 1994**

## HISTORY

The instant engineering statement is submitted in support of a Petition for Rule Making being filed by Eternal Lamp, Inc. (Eternal Lamp). Eternal Lamp is seeking the allocation of channel 259A to Nashville, North Carolina, as that community's first local service.

Channel 259A can be allocated to Nashville without the deletion, substitution or change of reference coordinates for any known construction permit, proposed rule making or licensed facility. The intersecting of separation contours from several co-channel and adjacent licensed facilities create a window in the FM spectrum that has a fully spaced area of 18 kilometers (latitude) and 12 kilometers (longitude) at its furthestmost points.

Two allocation studies are included. One used the community of Nashville reference coordinates and the other utilizes the exact site of an existing tower in excess of the height required for a maximum class A FM station. Both sites can be used as reference since each meets the Commission's minimum distance separation requirements for channel 259A.

## METHODS

The instant study involved establishing a set of reference coordinates for the community of Nashville. The Community Reference Data Base uses the coordinates: 35°(Degrees), 57'(Minutes), 00"(Seconds) NL; 77°(Degrees), 57'(Minutes), 30"(Seconds) NL. An allocation study was conducted using these coordinates and channel 259A. This reference demonstrates that channel 259A can be allocated to Nashville as a first local service without any other functions occurring in the FM Band.

In addition, in order to establish the exact boundaries of Nashville, and their relationship to the allocation of channel 259A, an official State of North Carolina, Nash County map was reduced and included in the study. The map clearly demonstrates the boundaries of Nashville with the requested allocation coordinates shown. A 16.2 kilometer 70 dBu contour was drawn-in to demonstrate channel 259A city contour service.

## EXHIBITS EXPLAINED

Exhibit E, Figure 1 is an allocation study using the community coordinates of Nashville as reference. This study depicts no short spacing to any pending request now before the Commission.

Exhibit E, Figure 2 is also an allocation study using an existing tower as reference. This study too depicts a fully spaced allocation, and due to the existence of an existing tower, no FAA conflicts are anticipated at this site.

Exhibit E, Figure 3 is a computer generated contour graph depicting that an antenna location "window" exist for the allocation of channel 259A at Nashville. This study used the coordinates in Exhibit E, Figure 2 as reference, however the location window would be altered only slightly if the community reference coordinates were used since there is only 3.17 kilometers between the two. The location window is at its maximum (0° True as reference) from 90°(Degrees) to 225°(Degrees) and 225°(Degrees) to 350°(Degrees). It is limited to only 1.22 kilometers at 355°(Degrees) to 90°(Degrees) by WYFI(FM) Norfolk, Virginia. Any antenna site in the location window will provide the required 70 dBu contour service to all of Nashville.

Exhibit E, Figure 4 is a reduced copy of a State of North Carolina Map prepared by the Department of Transportation, Division of Highways - Planning and Research

Branch. This map depicts the corporate boundaries of the proposed community of license, Nashville, North Carolina. This map has particular significance since it depicts the Nashville population, legal boundaries and its relationship to the proposed 60 dBu contour at the requested allocation coordinates.

### CONCLUSION

The instant engineering study demonstrates that channel 259A can be allocated to Nashville as that community's first broadcast service without any terrain or FAA considerations. This is a basic allocation request since it requires no interruptions on the part of other existing stations or proposals. The Commission can allocate channel to Nashville with the full assurance that, according to present data, it is not in conflict with any known licensed or proposed FM facility.

Channel 259A at Nashville is available for Form 301 applications immediately upon a Final Report and Order allocating the channel.

## CERTIFICATION

I, Paul Reynolds, hereby certify the following: that I am an independent broadcast consultant; that I hold a Bachelor of Science degree in Communications from the University of Southern Mississippi and have completed course work for a Masters Degree in Communications from the University of Alabama; I have been a practicing consultant since 1980, and I am familiar with the Commission's rules and regulations; I have filed numerous petitions and applications in association with Amerimedia, Inc., and my qualifications are known in the industry and at the Commission; I have been retained by Eternal Lamp, Inc., to prepare this Petition for Rule Making Engineering Statement in support of the allocation of channel 259A at Nashville, North Carolina.

All information in this engineering statement was prepared by me or under my direct supervision. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed   
PAUL REYNOLDS, CONSULTANT

THIS 6<sup>th</sup> DAY OF SEPTEMBER, 1994

**415 NORTH COLLEGE STREET  
GREENVILLE, ALABAMA 36037  
(205) 382-8048**



# ENGINEERING STATEMENT

In Support of a  
**PETITION  
FOR  
RULEMAKING**

**MM DOCKET \_\_\_\_\_, RM-\_\_\_\_\_**

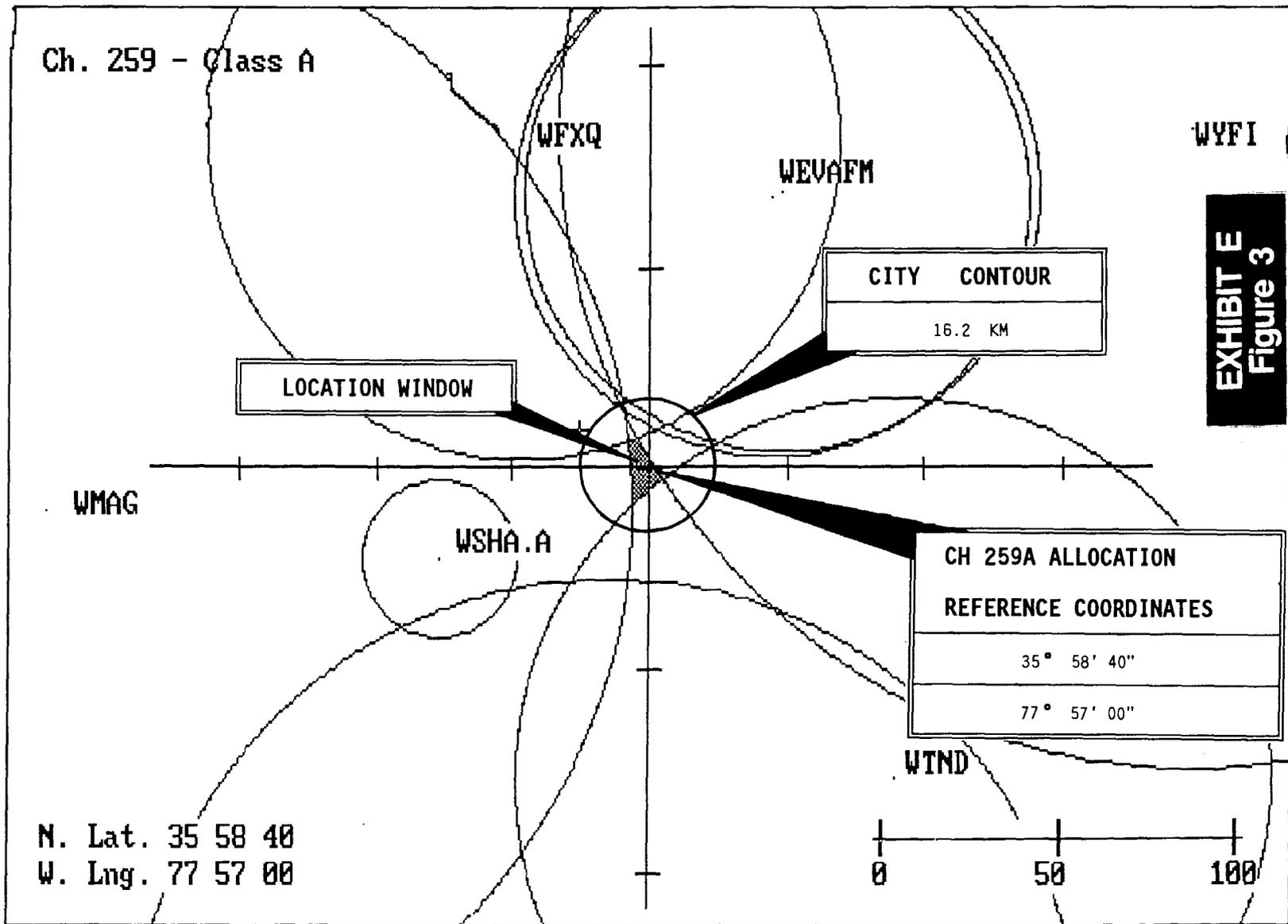
**ETERNAL LAMP, INC.**

## ALLOCATION STUDY

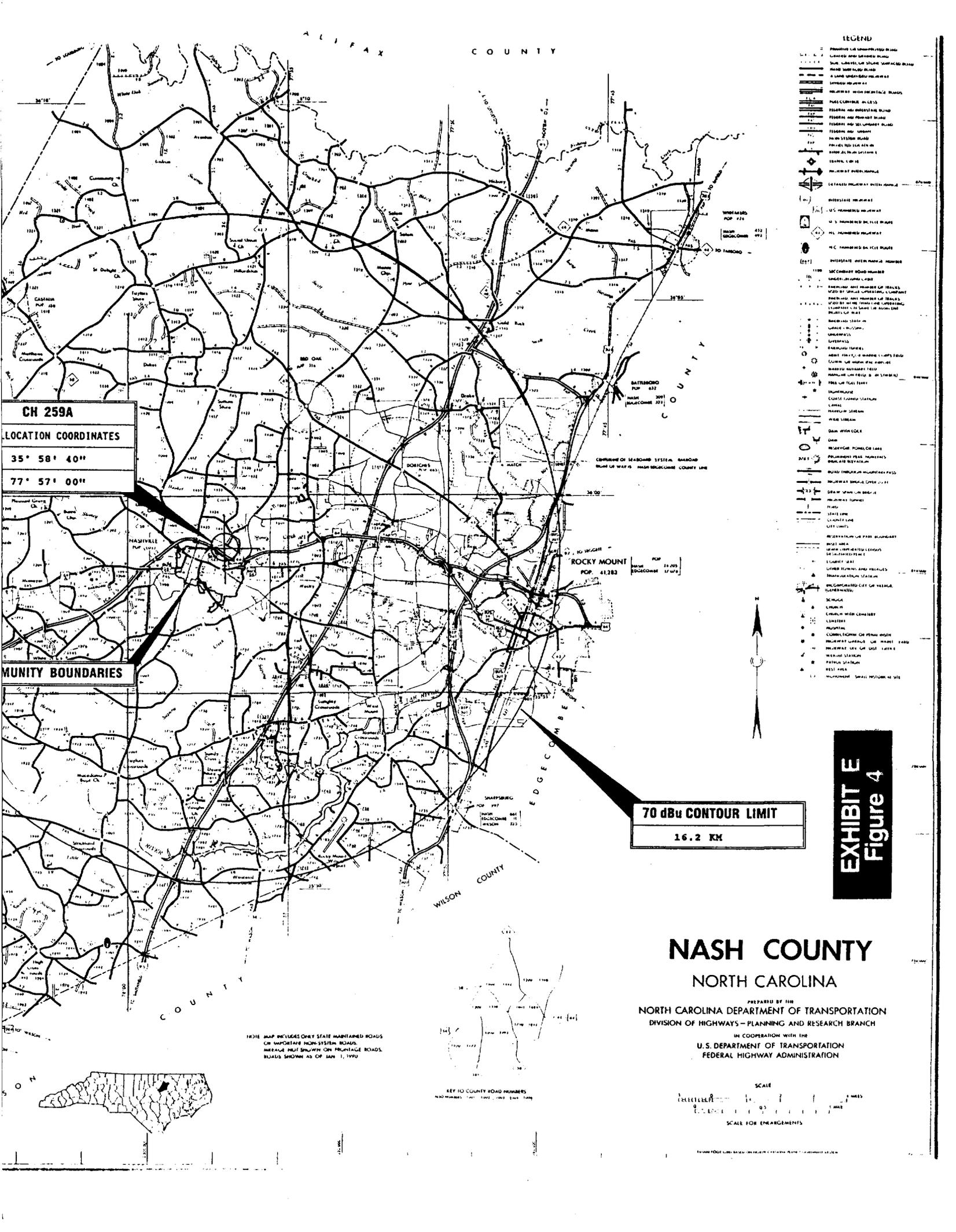
[DEPICTING THAT CHANNEL 259A CAN BE ALLOCATED TO NASHVILLE]  
(USING COMMUNITY REFERENCE COORDINATES AS REFERENCE)

35 57 00 N. 77 57 30 W.	Call	Ch#	City	Current Channel	Class A rules 259 -	Search Date	
				State	99.7 MHz Bear' Dist'	09-06-94	
						R'qrd	Margin
	WTND	258C2	Grifton	NC	139.9 108.49	106.0	2.49 *
	WYFI	259B	Norfolk	VA	57.5 181.51	178.0	3.51 *
	WMAG	258C	High Point	NC	267.0 170.11	165.0	5.11 *
	WFXQ	260C3	Chase City	VA	339.7 101.14	89.0	12.14
	WEVAFM	258A	Emporia	VA	23.9 85.61	72.0	13.61
	WEVAFM	258A	Emporia	VA	25.4 88.55	72.0	16.55
	WKXB	260C1	Burgaw	NC	183.9 161.15	133.0	28.15
	WSHA.A	205C1	Raleigh	NC	248.9 62.04	22.0	40.04
	WSHA	205C2	Raleigh	NC	252.0 64.37	15.0	49.37

**EXHIBIT E  
Figure 2**



**EXHIBIT E**  
**Figure 3**



**LEGEND**

- 1. Paved or Improved Road
- 2. Unimproved Road
- 3. Road Shoulder
- 4. Road Right-of-Way
- 5. Road Under Construction
- 6. Road Right-of-Way
- 7. Road Right-of-Way
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- 99. Road Right-of-Way
- 100. Road Right-of-Way

**CH 259A**  
**LOCATION COORDINATES**  
 35° 58' 40"  
 77° 57' 00"

**MUNITY BOUNDARIES**

**70 dBu CONTOUR LIMIT**  
 16.2 KM

**NASH COUNTY**  
**NORTH CAROLINA**

PREPARED BY THE  
 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS - PLANNING AND RESEARCH BRANCH  
 IN COOPERATION WITH THE  
 U.S. DEPARTMENT OF TRANSPORTATION  
 FEDERAL HIGHWAY ADMINISTRATION

SCALE  
 1:50,000  
 SCALE FOR ENLARGEMENTS

THIS MAP INCLUDES ONLY STATE MAINTAINED ROADS OR IMPROVED NON-SYSTEM ROADS. AVERAGE NOT SHOWN ON PORTAGE ROADS. BLUAS SHOWN AS OF JAN. 1, 1970.

KEY TO COUNTY ROAD NUMBERS  
 400 NUMBER 1000 2000 3000 4000

